



Express Mail Label No. **EV 337 198 888 US**

Attorney Docket No. 37167-8039.US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE APPLICATION OF: Balbierz and Johnson

SERIAL NO.: 09/823,903

FILED: March 30, 2001

FOR: TISSUE BIOPSY AND TREATMENT APPARATUS AND METHOD

EXAMINER: Vrettakos, P.

ART UNIT: 3739

CONFIRMATION No. 7575

Notice of Appeal and Petition for Extension of Time (if Appropriate)

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals from the decision of the Examiner dated December 24, 2003, rejecting claims 1, 5, 7, 9-12, 14, 22-25, 28, 29, 31, 32, 34, 42-50, 52-74, 79 and 80. The items checked below are appropriate:

☒ Fee for Notice of Appeal (37 CFR §1.17(b))

☒ Small Entity: \$165.00

☐ Petition for Extension of Time.

Applicant hereby petitions for a * month time extension, extending the period for response to *.

Extension Fee (37 CFR §1.17(a)(1)-(a)(5)):

☐ Other Than Small Entity:

☐ \$110.00 ☐ \$410.00 ☐ \$930.00 ☐ \$1450.00 ☐ \$1970.00

☐ Small Entity:

☐ \$55.00 ☐ \$205.00 ☐ \$465.00 ☐ \$725.00 ☐ \$985.00

☒ Conditional Petition for Extension of Time

Applicant petitions for an Extension of Time if necessary for timely filing of this Notice of Appeal.

☒ Fee Payment

☒ Enclosed is a check in the amount of \$165.00 covering the fee due.

☒ Please charge any underpayment for timely filing of these papers to Deposit Account No. 50-2207.

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165.00 0P

Date: March 24, 2004

Correspondence Address:

Customer No. 22918
Phone: (650) 838-4410

Respectfully submitted,
Perkins Coie LLP

Jacqueline F. Mahoney
Jacqueline F. Mahoney
Registration No. 48,390

RECEIVED

MAR 31 2004

TECHNOLOGY CENTER R3700